

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)  
(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)  
03 August 2006 (03.08.2006)

To:

EGGERT, John, S.  
Hanlon & Egbert  
7th Floor  
412 Main Street  
Houston, TX 77002  
ETATS-UNIS D'AMERIQUE

Applicant's or agent's file reference  
1981-1

**IMPORTANT NOTICE**

International application No.  
PCT/US2004/002073

International filing date (day/month/year)  
27 January 2004 (27.01.2004)

Priority date (day/month/year)

Applicant

ARCANA INTERNATIONAL, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

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Form PCT/IB/378 (January 2004)

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 1981-1	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/002073	International filing date (day/month/year) 27 January 2004 (27.01.2004)	Priority date (day/month/year)
International Patent Classification (9th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant: ARCANA INTERNATIONAL, INC.		

<p>1. This International preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis I(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the International preliminary report on patentability (Chapter I) instead.</p>																	
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="width: 85%; padding: 5px;">Box No. I Basis of the report</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. II Priority</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. IV Lack of unity of invention</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="padding: 5px;">Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. VI Certain documents cited</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. VII Certain defects in the international application</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="padding: 5px;">Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 9bis.1 but not, except where the applicant makes an express request under Article 2(2), before the expiration of 30 months from the priority date (Rule 44bis.2).</p>																	

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Faxsimile No. +41 22 338 82 70</p> <p>Form PCT/AB/373 (January 2004)</p>	<p>Date of issuance of this report 27 July 2006 (27.07.2006)</p> <p>Authorized officer</p> <p><b>Ellen Moyse</b></p> <p>e-mail: <a href="mailto:pct@wipo.int">pct@wipo.int</a></p>
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**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
JOHN S. ROBERT  
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410 MAIN STREET, 7TH FLOOR  
HOUSTON, TX 77002

**PCT**

REGD 01 OCT 2004

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43(b), 1)

Date of mailing  
(day/month/year)

**28 SEP 2004**

**FOR FURTHER ACTION**

See paragraph 2 below

Applicant's or agent's file reference

1981-1

International application No.

PCT/US2004/020173

International filing date (day/month/year)

27 January 2004 (27.01.2004)

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

IPC7: G01N 21/00, 29, 41, 47; 33/00, 48 and US Cl. 422/30, 62, 68.1, 69, 70, 71, 81, 82.05; 436/43, 57, 164; 73/1.01, 1.02, 1.58

Applicant

ARCANA INTERNATIONAL, INC.

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43(b), 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66, 1(b)(5) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Fax: (703) 305-2230	Authorized officer Brian J. Sines Jean Proctor Paralegal Specialist Telephone No. (703) 272-1700
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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/02073

Box No. I. Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in international application as filed
    - filed together with the international application in computer readable form
    - furnished subsequently to this Authority for the purposes of search
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2003/02223

Box No. V Reasoned statement under Rule 43 Ms.1(c)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.

1. Statement

Novelty (N)	Claims 1-22	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-22	YES
	Claims NONE	NO
	Claims NONE	NO

2. Citations and explanations:

Claims 1 - 22 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the recited system or methodology for providing performance control of a radiotherapy generator.